HIGH COURT OF UTTARANCHAL AT-NAINITAL.

Writ Petition No. 851(S/S)2004

Kedar Singh Negi S/o late Mahendra Singh Negi,
Presently posted as Head Master,
G.I.C. Banj Bagarh. Via Chat,
District Chamoli ….Petitioner.

Vs.

State of Uttaranchal through
Secretary Education, Govt. of Uttaranchal,
Dehradun and three others. ….Respondents.

Sri Pankaj Purohit, learned counsel for the petitioner.
Learned Standing counsel for the respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Pankaj Purohit, learned counsel for the petitioner and learned Standing Counsel for the respondent.

Parties are agreed that the petition may be heard and decided on the admission stage itself.

Learned counsel for the petitioner has submitted that one Sri Maya Ram Gairola alongwith the others, has filed writ petition no. 1491 of 2001 before the Allahabad High Court which was ultimately transferred to this Court, with the prayer that since the juniors to the petitioner in that petition have been promoted but they have not been promoted, therefore, the respondents be directed to provide promotions to the petitioners also. The said writ petition was finally disposed of on 11.04.2002 with a direction to the respondents to consider the claim of the petitioners for promotion. In pursuance of the order passed by the Court on 11.04.2002, the respondents have promoted Sri Maya Ram Gairola vide order of respondent no.2 dated 17.08.2002. Bu the time the order dated 17.08.2002 was passed Sri Maya Ram Gairola had already retired and he was given notional promotion alongwith all benefits w.e.f. 15.07.2002, when the junior to him were given promotion.

The respondents have passed order on 3rd October 2002 by which the petitioner has been promoted w.e.f. 15.07.2000 when Sri Maya Ram Gairola and others were promoted, on the ground that the petitioner is senior to Sri Maya Ram Gairola. However, the benefits has

not been extended to the petitioner w.e.f. 15.07.2000 as extended to Sri Maya Ram Gairola , which is prima-facie not correct.

In view of the aforesaid facts, the petitioner is directed to move representation before the authority concerned within a period of ten days from today raising all his grievances. In case, the petitioner moves the representation, the respondents shall decide it within a period of three weeks from the date of receipt of the representation by a speaking order considering all the grievances raised by the petitioner in his representation.

With these directions, the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

July 27, 2004
NCM: